UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,750	08/19/2003	Norihito Fujita	040405-0364	3763

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EXAMINER
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ART UNIT	PAPER NUMBER
2454	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/642,750	FUJITA ET AL.
	Examiner	Art Unit	
	MICHAEL E. KEEFER	2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 July 2008</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>28-31 and 55</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>28-31 and 55</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is responsive to the Response to Election/Restriction received

7/1/2008.

Election/Restrictions

2.   Applicant's election without traverse of Species I in the reply filed on 7/1/2008 is

acknowledged.

3.   The election requirement is made final.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

5.   Claims 28-31 and 55 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

Claims 28 and 30 are confusing because the Examiner is not able to establish

the metes and bounds of "a packet transfer method database". It is unclear

whether the claim requires the combination of -all- the elements of URL data,

destination IP, and VLAN-ID data to correspond to -all- the elements of source

IP, destination MAC, and VLAN-ID, or whether the correspondence is merely 1-

to-1 (i.e. a url data is used to determine a destination IP). The Examiner will give

the broadest reasonable interpretation, which in this case is the 1-to-1

interpretation.

Additionally, claim 28 is also confusing because the Examiner is not able to establish the metes and bounds of "the information provided to said packet transfer equipment". It is unclear whether this claim requires the information returned to contain all of the information related to rewriting, added, deleted, control, and resource control, or merely just one of these. The Examiner will give the broadest reasonable interpretation to the claim.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen, et al. (US 6985964), hereafter Petersen, in view of Xu (2002/0038339).

Regarding **claim 28**, Petersen discloses:

a packet transfer method database (a database is inherent because in Col. 3 lines 53-54 "routing lookups" is disclosed, and a lookup must have a database to reference to obtain data) where the correspondences between several types of information contained in the packet and one or more type of information related to the packet transfer method are registered, and

a packet transfer method resolution request acceptance section (search engine PP 140) that accepts the packet transfer method resolution request from

the packet transfer equipment (Central processor 110 or Packet deconstructor 130) that transfers the received packet to another node inquiring the information related to the transfer method of said received packet and specifying several types of information contained in said received packet, (Note that a search argument, containing information pulled from a packet is sent to the search engine PP (Col. 3, lines 35-48) as a request for results on information in the packet that may be changed) refers to said packet transfer method database (note that various types of routing lookups can be performed. Col. 3, lines 53-54) and replies one or more type of information related to the transfer method of said received packet to said packet transfer equipment (Col 3 lines 56-57).

That the information resolved contains each of: information related to the rewriting of the information contained in the received packet (Col 3 lines 49-56 describe information which can be returned by the search engine PP 140).

Petersen discloses all the limitations of claim 30 except for the specific type of information located in the packet information database.

The general concept of storing correspondences between IP addresses, VLAN-ids and MAC addresses in a table or database is well known in the art as taught by Xu. (See at least Fig. 6B, see [0106]-[0115])

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Petersen with the general concept of storing correspondences between IP addresses, VLAN-ids and MAC addresses in a table or database as taught by Xu in order to make the system more flexible.

3.   Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Petersen and Xu as applied to claim 28 above, and further in view of Ebrahim.

        Petersen and Xu teach all the limitations of claim 29 except for a resource

information collection section and an entry re-writing section.

        The general concept of including a resource information collection section and an

entry re-writing section in a packet transfer route determination device is well

known in the art as taught by Ebrahim:

        a resource information collection section (Col. 2, lines 49-56 describe that

the DNS server must have a way of knowing information about network

resources) and

        an entry rewriting section (Col. 2, lines 49-56 describe that the DNS server

will alter its tables based off of the information obtained about the network.)

        It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine Petersen and Xu with the general concept of including a resource

information collection section and an entry re-writing section in a packet transfer route

determination device as taught by Ebrahim in order to make sure that the network is

load balanced.

4.   Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Petersen and Xu and further in view of Metin.

        Regarding **claim 30**,

a packet transfer method database (a database is inherent because in

Col. 3 lines 53-54 "routing lookups" is disclosed, and a lookup must have a

database to reference to obtain data) where the correspondences between

several types of information contained in the packet and one or more type of

information related to the packet transfer method are registered, and

a packet transfer method resolution request acceptance section (search

engine PP 140) that accepts the packet transfer method resolution request from

the packet transfer equipment (Central processor 110 or Packet deconstructor

130) that transfers the received packet to another node inquiring the information

related to the transfer method of said received packet and specifying several

types of information contained in said received packet, (Note that a search

argument, containing information pulled from a packet is sent to the search

engine PP (Col. 3, lines 35-48) as a request for results on information in the

packet that may be changed) refers to said packet transfer method database

(note that various types of routing lookups can be performed. Col. 3, lines 53-54)

and replies one or more type of information related to the transfer method of said

received packet to said packet transfer equipment (Col 3 lines 56-57).

Petersen discloses all the limitations of claim 30 except for the specific

type of information located in the packet information database.

The general concept of storing correspondences between IP addresses,

VLAN-ids and MAC addresses in a table or database is well known in the art as

taught by Xu. (See at least Fig. 6B, see [0106]-[0115])

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Petersen with the general concept of storing correspondences between IP addresses, VLAN-ids and MAC addresses in a table or database as taught by Xu in order to make the system more flexible.

Petersen and Xu teach all the limitations of claim 30 except for the packet transfer resolution server sending a request for resource control as additional information to the packet transfer equipment.

The general concept of a packet transfer equipment needing to know if resource control is necessary is well known in the art as taught by Metin ([0039] lines 14-17 indicates that the required resources are indicated in a request for a packet transfer session).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the packet transfer control method resolution server of Petersen with the general concept of a packet transfer equipment needing to know if resource control is necessary as taught by Metin in order to make sure that a packet receives the quality of network resources that it needs.

5.   Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen, Xu, and Metin as applied to claims 30 and 38 above, and further in view of Squire et al. (US 7139838 B1) hereafter Squire.

Regarding **claim 31**,

Petersen, Xu, and Metin teach all of the limitations of claim 39 except for a packet transfer policy description section and an entry rewriting section.

The general concept of using a policy to rewrite network transfer method information is well known in the art as taught by Squire (note policy software module 106, which filters updates to network transfer information (Col. 2 lines 50-53) before deciding to distribute the information (i.e. re-write the databases) of peer equipments (Col 3 lines 2-6)).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the resolution server of Petersen, Xu, and Metin with the general concept of using a policy to rewrite network transfer method information as taught by Squire in order to ensure the integrity of the transfer method information.

Response to Arguments

6.   Applicant's arguments filed 1/14/2008 have been fully considered but they are not persuasive.

7.   Applicant argues that Metin does not send a request for resource control of other nodes. The Examiner disagrees, noting step 16a of Fig. 3 in addition to [0040] of Metin as support that Metin discloses sending a request for resource control.

8.   Further Applicant argues that Squire does not teach the claimed entry re-writing section that rewrites entries in the packet transfer method database based on resource information in the network. The Examiner notes that in Squire devices packet transfer databases are re-written based upon the resources of the network, the policy software module determines what updates are sent to the peer equipment, therefore, the peer equipment is then re-written with the information chosen by the policy software.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL E. KEEFER whose telephone number is (571)270-1591. The examiner can normally be reached on Monday through Friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MEK 10/24/2008

/Joseph E. Avellino/

Primary Examiner, Art Unit 2446